



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

March 7, 2013

Certified Mail  
7010 1060 0000 5278 6506

Benbow Water Company  
P.O. Box 669  
Garberville, CA 95542

Attention: Win Benbow, Manager

CITATION NO. 01-01-13(C)-001

Enclosed is a Citation for failure to monitor for coliform. The Citation specifies action to be taken by Benbow Water Company to achieve compliance and avoid future civil penalties.

Section 116577 of the California Safe Drinking Water Act provides for our department to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, your water system will be billed for the preparation and issuance of this citation. Our costs are approximately \$126 per hour. At this time we have spent approximately one hour on enforcement activities associated with this violation. You will receive a bill for these costs, typically by September 1<sup>st</sup>, from our Fee Billing Unit in Sacramento.

Should you have any questions, please contact me at (530) 224-4872 or Craig Bunas at (530) 224-4887.

Tony Wiedemann, P.E.  
Klamath District Engineer  
DRINKING WATER  
FIELD OPERATIONS BRANCH

Enclosure

cc: Richard Hinrichs, Chief – DDW – Northern California Region

System No. 1200671

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

**Name of Public Water System:** Benbow Water Company

**Water System No:** 1200671

**To:** Benbow Water Company  
P.O. Box 669  
Garberville, CA 95542

**Issued:** March 7, 2013  
Via Certified Mail

**CITATION FOR NONCOMPLIANCE**  
**TOTAL COLIFORM MONITORING AND REPORTING VIOLATION**

**October 2012**

Chapter 4, Article 9, Section 116650 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

**Applicable Authorities**

Section 116650 of the CHSC states in relevant part:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water



1 system. The citation shall be served upon the public water system personally  
2 or by certified mail. Service shall be deemed effective as of the date of  
3 personal service or the date of receipt of the certified mail. If a person to  
4 whom a citation is directed refuses to accept delivery of the certified mail, the  
5 date of service shall be deemed to be the date of mailing.

6  
7 (b) Each citation shall be in writing and shall describe the nature of the  
8 violation or violations, including a reference to the statutory provision,  
9 standard, order, citation, permit, or regulation alleged to have been violated.

10  
11 (c) A citation may specify a date for elimination or correction of the condition  
12 constituting the violation.

13  
14 (d) A citation may include the assessment of a penalty as specified in  
15 subdivision (e).

16  
17 (e) The department may assess a penalty in an amount not to exceed one  
18 thousand dollars (\$1,000) per day for each day that a violation occurred, and  
19 for each day that a violation continues to occur. A separate penalty may be  
20 assessed for each violation.

21 California Code of Regulations (CCR), Section 64423 states in relevant part:

22  
23 (a) Each water supplier shall collect routine bacteriological water samples as follows:

24 (1) The minimum number of samples for community water systems shall be based  
25 on the known population served or the total number of service connections,  
26 whichever results in the greater number of samples, as shown in Table 64423-A.

27 (2) The minimum number of samples for nontransient-noncommunity water systems  
shall be based on the known population served as shown in Table 64423-A during  
those months when the system is operating.



**Table 64423-A**  
**Minimum Number of Routine Total Coliform Samples**

| <i>Monthly Population Served</i> | <i>Service Connections</i> | <i>Minimum Number of Samples</i> |
|----------------------------------|----------------------------|----------------------------------|
| 25 to 1000                       | 15 to 400                  | 1 per month                      |

### **STATEMENT OF FACTS**

As of the date of this Citation, the Division of Drinking Water and Environmental Management of the Department of Public Health (Department) has not received results for a routine bacteriological sample collected from the distribution system of the Benbow Water Company during October 2012.

### **DETERMINATIONS**

The Department has determined that the failure to collect a routine bacteriological from the distribution system of the Benbow Water Company during the month of October 2012 is a violation of Section 64423, Title 22, of the California Code of Regulations. The Department hereby issues a citation to the Benbow Water Company for failure to comply with Section 64423, Title 22, of the California Code of Regulations.

### **Directives**

Benbow Water Company is hereby directed to take the following actions:

1. Comply with Section 64423 in all future monitoring periods.
2. By **April 5, 2013**, notify all persons served by the water system of the failure to sample. Notification must be completed in accordance with each of the following:



- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27
- a) Complete the enclosed notice *"IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER"* to include the name, address, and telephone number of a water system representative as a source of additional information concerning the public notice. Also, in the space provided, you must give a legible, written description (preferably typed) of the corrective actions taken by the water system to prevent this violation from occurring in the future. At the bottom, provide the date or dates the notice was distributed.
- b) Distribute the notice to the users in accordance with Section 64463.4(c)(1), Title 22, CCR, by:
- 1) Mail or direct delivery to each customer/residence that receive their drinking water from the water system and any other service connections to which water is delivered by the water system;
  - 2). And by one or more of the following methods to reach persons not likely to be reached by mailing or direct delivery;
    - Publication in a local newspaper
    - Posting, for at least seven days, in conspicuous public places served by the water system or on the Internet
    - Delivery to community organizations
3. A representative of the Benbow Water Company shall complete the enclosed "Certification of Public Notice" form and return it to the Department by **April 15, 2013**. A copy of the notice that was distributed must be included with the form.

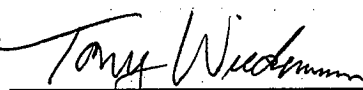


All documents required by this Citation shall be submitted to the Department at the following address:

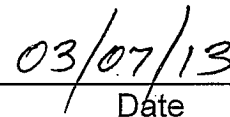
Tony Wiedemann, P.E.  
California Department of Public Health  
Drinking Water Field Operations Branch  
364 Knollcrest Drive, Suite 101  
Redding, CA 96002

**Civil Penalty**

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with requirements of Chapter 4. Failure to comply with any provision of this citation may result in the Department imposing a civil penalty of up to one thousand dollars (\$1,000.00) per day for each day that the violation occurred, and for each day that the violation continues to occur.



Tony Wiedemann, P.E.  
District Engineer  
Klamath District  
Drinking Water Field Operations Branch

  
Date

Attachments:

Notice - Important Information About Your Drinking Water  
Certification of Public Notice

Certified Mail No. 7010 1060 0000 5278 6506



## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

---

### **Coliform Monitoring Requirements Not Met for Benbow Water Company – (October 2012)**

---

Our water system failed to test the drinking water for coliform bacteria during October 2012. Even though this failure was not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct this situation.

#### **What happened?**

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During October 2012, we did not monitor or test for total coliform and therefore, cannot be sure of the quality of our drinking water during that time.

Coliform are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality.

#### **What should you do?**

There is nothing you need to do at this time. This is not an emergency. If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### **What is being done to prevent this violation in the future?**

Persons wishing more information should contact:

\_\_\_\_\_

(name)

\_\_\_\_\_

(address)

\_\_\_\_\_

(phone number)

*Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

Upon receipt of this notice from a public water system the following establishments must provide secondary notification by distributing this notice within ten days as follows: Schools must notify school employees, students, and parents (if the students are minors). Residential rental property owners or managers (including nursing home and care facilities) must notify tenants. Business property owners, managers, or operators must notify employees of businesses located on the property. [Health and Safety Code Section 116450(g)]

Date(s) distributed: \_\_\_\_\_

# Certification of Public Notice

(Community)

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 - 64465.

Public Water System Name Benbow Water Company

Public Water System No. 1200671

Public notification for the October 2012 failure to monitor for coliform bacteria was performed by the following method(s) (check and complete those that apply):

☐ The notice was mailed to users on \_\_\_\_\_  
A copy of the notice is attached. (date)

☐ The notice hand delivered to water customers on \_\_\_\_\_  
A copy of the notice is attached. (date)

☐ The notice was published in the local newspaper on \_\_\_\_\_  
A copy of the newspaper notice is attached. (date)

☐ The notice was posted in the following conspicuous places on \_\_\_\_\_  
A copy of the notice is attached. (date)

\_\_\_\_\_  
(place)

\_\_\_\_\_  
(place)

\_\_\_\_\_  
(place)

☐ The notice was delivered to the following community organizations on \_\_\_\_\_  
A copy of the notice is attached. (date)

\_\_\_\_\_  
(organization)

\_\_\_\_\_  
(organization)

\_\_\_\_\_  
(organization)

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date